

STATE OF ILLINOIS     )  
                              ) SS  
COUNTY OF COOK        )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CRIMINAL DIVISION

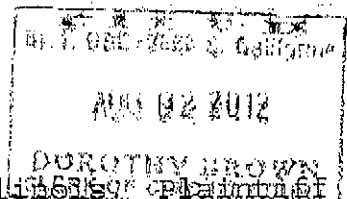
THE PEOPLE OF THE  
STATE OF ILLINOIS  
  
                    Plaintiff

-vs-

RICO PALOMINO  
  
                    Defendant

12MC1- 119057 -01

PEOPLE'S FACTUAL PROFFER  
IN SUPPORT OF SETTING BOND



NOW COME the People of the State of Illinois, herein, through their attorney ANITA ALVAREZ, State's Attorney of Cook County, by her Assistant Lauren A. Freeman, and hereby present their factual proffer in support of setting bond.

I. INTRODUCTION:

Section 5/110-5 of the Illinois Code of Criminal Procedure sets forth criteria relevant to determining the amount of bail and conditions of release. 725 ILCS 5/110-5. The information used by the Court in its findings with regard to setting the amount of bail may be presented by way of written proffer based upon reliable information offered by the State. 725 ILCS 5/110-5.

Defendant Rico Palomino ("defendant") is charged by Complaint for Preliminary Examination with the felony offense of Official Misconduct, 720 ILCS 5/33-3(b)(Class 3) based upon knowingly committing the offense of Battery, to wit: intentionally causing bodily harm to the victim, while acting in his official capacity as a Correctional Officer for the Cook County Sheriff's Office. If convicted, the defendant may be sentenced from two to five years in the Illinois Department of Corrections.

## II. THE DEFENDANT:

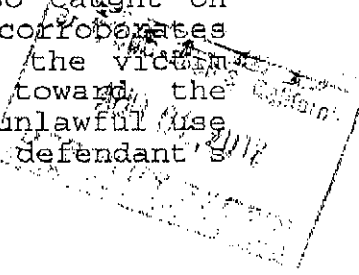
Defendant is and has been employed full-time by the Cook County Sheriff's Office as a Correctional Officer at the Cook County Department of Corrections for approximately 12 years. Defendant is 40 years old and resides in Chicago, Illinois. He was on duty and working in his official capacity at the time this offense was committed.

## III. THE FACTS:

As to this matter, the investigation revealed the following facts. On June 16, 2012, at approximately 8:36 pm, the defendant was working behind the desk in the Cook County Jail, Division 5 Receiving Area ("RCDC"), as 20 year-old victim detainee [REDACTED] was being processed with other detainees in the RCDC Bullpen. The size difference between these two individuals is significant. The defendant is approximately 6'5" tall and weighed approx. 325 lbs., and the victim is approximately 8 inches shorter and weighed approximately 100 lbs. less than the defendant. While waiting to be processed, the victim left the bullpen to obtain a phone number from his inventoried property. He walked down the hallway and stopped at the desk to ask the defendant where the inventoried property was kept. The victim continued walking away and the defendant told him to return to the bullpen, stating, "If you don't get back over here, I am going to f-ck you up." The defendant came out from behind the desk, walking toward the victim, and the victim turned around to walk back toward the defendant and bullpen. The defendant, then, without any physical provocation by the victim, forcefully struck the victim in the face with his fist sending the victim to the floor with his mouth bleeding profusely. The victim got back to his feet and left the hallway with the defendant. The defendant told the victim that the victim better tell people that the victim had swung first or the defendant would falsely report he had attempted to escape. [The encounter was captured on the jail's video security system, and the relevant excerpt is incorporated herein by reference and attached hereto for this Court's review].

Subsequently, the victim was brought directly to Cermak Medical Services and was diagnosed with a jagged laceration caused by blunt trauma. He received absorbable sutures to the inner left side of his mouth, received a CT Scan of the mandible which showed no fracture or dislocation, and was released.

The defendant's abusive use of force against the victim was witnessed by another inmate in the hallway, and also caught on the Jail's video surveillance system. The footage corroborates the victim's and eyewitness' account and shows that the victim never made any aggressive movements whatsoever toward the defendant that might have justified the defendant's unlawful use of force. It also shows that as a result of the defendant's conduct, the victim bled on the hallway floor.



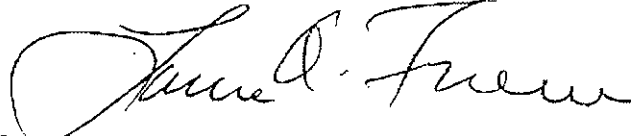
Shortly after the offense, the defendant intentionally authored and submitted a series of false reports detailing different versions of the incident. In both his "Response to Resistance/Use of Force Report," and his "Incident Report," he states that the victim "turned around abruptly" and then reached and grabbed towards the defendant's shirt, at which time the defendant gave the victim an open palm strike to the victim's face in order to "create a safe distance between himself and the detainee." Furthermore, in his signed "Inmate Disciplinary Report," the defendant changes his story and claims that the victim "grabbed the defendant's shirt." The evidence, however, proves that each version contained in the defendant's three reports is false. The victim neither made, nor attempted to make, any physical contact with the defendant before the defendant struck him.

IV. BOND RECOMMENDATION:

Section 5/110-5 of the Illinois Code of Criminal Procedure sets forth criteria relevant to determining the amount of bail and conditions of release. 725 ILCS 5/110-5. In particular, the Court may consider that the above-stated facts clearly demonstrate that the offense involved the misconduct of a public employee. Based upon matters discussed herein, the People of the State of Illinois recommend that this Honorable court set a substantial bond in this case, and that this Court, as special conditions of release, bar the defendant from possession any firearms and surrender all firearms now in his possession.

Respectfully submitted,

ANITA ALVAREZ  
STATE'S ATTORNEY OF COOK COUNTY



BY: Lauren A. Freeman  
Assistant State's Attorney

